

Remarks/Arguments

The present amendment is made in response to the Advisory Action dated March 17, 2003 and identified as Paper No. 20040315. Claim 1-22 remain pending in the application.

In the final Office Action dated October 3, 2003 and identified as Paper No. 9, the Examiner objected to the drawings as not including the reference numeral 18 referred to in the specification. In an After-Final Amendment dated February 20, 2004, Applicant amended Fig. 1 and the drawing correction was noted as approved by the Examiner in the Advisory Action. Applicant also amended the claims to recite that the dump truck body was adapted for pivotal attachment to a dump truck frame.

Claims 1, 2, 12, and 13 stand rejected under 35 U.S.C. § 102(b) as anticipated by U.S. Patent No. 5,690,466 to Gaddis et al. (“*Gaddis*”). Claims 4, 6, 15, and 17 were rejected under 35 U.S.C. § 103(a) as obvious over either *Hollinrake* or *Gaddis* in view of U.S. Patent No. 4,273,381 to Bibeau et al. (“*Bibeau*”). Claims 5 and 16 were rejected under 35 U.S.C. § 103(a) as obvious over either *Hollinrake* or *Gaddis* in view of U.S. Patent No. 6,200,082 to Molenaar et al. (“*Molenaar*”). Claims 3, 7-11, 14 and 18-30 were rejected under 35 U.S.C. § 103(a) as obvious over *Gaddis* in view of *Hollinrake*.

With regard to the rejection of claims as anticipated by *Gaddis* or rendered obvious in light of *Gaddis* in lieu of other cited art, the device disclosed in *Gaddis* is not a dump truck body. Instead, *Gaddis* discloses a conventional trailer box that includes a conveyor system. As the trailer box of *Gaddis* is not pivotally mounted to the truck frame for movement between a lowered and raised position, it is not subject to the same forces as the dump truck bodies to which the present invention relates. Indeed, *Gaddis* only discloses the rearward most portion of a conventional trailer. As a result, *Gaddis* does not expressly or inherently teach the absence of

longitudinally spaced, transverse beams to support the frame. Although the Examiner suggested in the Advisory Action that *Gaddis* could be modified to be pivotally attached to a conventional dump truck frame, as suggested by the Examiner in the Advisory Action, there is no suggestion or motivation to remove the transverse beams used in prior art dump truck bodies should (or could) *Gaddis* be modified in that manner.

Claim 1 has also been amended to include the limitation that the planar support member is attached along "an intermediate portion of the longitudinal support structure." The cited art does not teach or suggest this limitation in a dump truck body lacking transverse support members.

The purportedly corresponding support member identified by the Examiner is *Gaddis* (reference numeral 28) is actually a door pivotally mounted to the floor for accessing the conveyor. In addition to not comprising a support plate, as defined in the claims and the specification, the door in *Gaddis* is not attached to an intermediate portion of the longitudinal support beam, as now set forth in the claim 1. Instead, the door in *Gaddis* is attached directly to the floor section.

Claim 12 has similarly been amended to recite that the support plate is attached along an intermediate portion of the longitudinal support.

As a result of the amendments discussed above, dependent claims 2-11 and 13-22 are also believed to be patentable over the cited prior art. The cited references do not teach or suggest the claimed planar support member attached along an intermediate portion of the longitudinal support structure in a pivotally mountable dump truck body lacking transverse support beams, as affirmatively called for in the claims.

Reply to Advisory Action dated March 17, 2004
Application Serial No. 10/082,740
March 31, 2004

In view of the foregoing amendments, the Examiner's consideration is requested and allowance of the present application is believed to be in order. If the Examiner believes a phone conference with Applicant's attorney would expedite prosecution of this application, please contact the undersigned at (315) 218-8515.

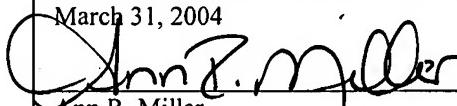
Respectfully submitted,

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Dated: March 31, 2004

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I hereby certify that this paper (along with any paper referred to as being attached or enclosed) is being deposited with the United States Postal Services on the date shown below with sufficient postage in an envelope addressed to Mail Stop RCE, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on March 31, 2004


Ann R. Miller
Date: March 31, 2004